

REMARKS

Reconsideration of the application as amended is respectfully requested.

Claims 1 and 7 have been amended. Claims 2-6 remain unchanged.

The examiner objected to the drawings for failing to show every feature of the invention specified in the claims. As such, Claims 1 and 7 have been amended and the "cylindrical" configuration canceled.

The examiner respectfully rejected Claims 1-7 under 35 U.S.C. § 112, first paragraph, for not enabling one of ordinary skill in the art to make or use the invention. The specification and Figures 1 and 4 have been amended to fully disclose and explain the vertical movement of the operating rod in conjunction with the linkage arms. The amendments to the specification and Figures 1 and 4 should overcome the examiner's rejection under 35 U.S.C. § 112, first paragraph.

The examiner respectfully rejected Claims 1-7 under 35 U.S.C. § 112, second paragraph, for having indefinite and functional language within the claims. Claims 1 and 7 have been amended to overcome the examiner's rejection.

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and is requested.

**PLEASE INCLUDE THE FOLLOWING CLEAN VERSION OF THE AMENDED
CLAIM(S) PURSUANT TO 37 CFR 1.121(C)(1)(I)**

B1 1. A weed extraction apparatus comprising:

 a linearly elongated handle having an anterior end opposite a posterior end;

 a pair of movable claw appendages;

 a linearly elongated lever pivotally mounted to said anterior end by a bolt, said bolt also serving as a fulcrum for said pair of movable claw appendages;

 an operating rod of a linear, rod-like configuration which extends parallel along a linear length of the handle and connects to a movable linkage arm pivotally mounted near the posterior end of the handle;

 a spring disposed on said bolt and adapted so as to connectively embrace said lever in such a manner whereby said lever is biased to a position extending away from said anterior end of said handle; and

 a pulley coupled via said linkage arm to said handle proximately positioned below said lever and freely rotatable about said linkage arm.

2. The weed extraction apparatus of Claim 1, wherein said anterior end of said handle is encapsulated within a sleeve comprised of a thin layer of rubber peripherally adhered thereto, extending a linear distance theredown, so as to allow a user to obtain a non-slip, firm grasp of said handle.

3. The weed extraction apparatus of Claim 1, wherein said lever includes a plurality of finger-gripping channels formed on an upper surface thereof so as to facilitate gripping of the lever.
4. The weed extraction device of Claim 3, further comprising a cable operatively engaged with said pulley and connected at one end to a side of said lever opposite said finger-gripping channels, and connected at an opposite end to a cable connecting stem, which is in turn connected to an anterior end of said operating rod.
5. The weed extraction device of Claim 1, wherein said linkage arm is comprised of a pair of generally, linearly elongated rectangularly-shaped members pivotally connected at ends in an overlapping manner to the handle, wherein said operating rod serves to actuate opening and closing of the pair of movable claw appendages.
6. The weed extraction device of Claim 1, wherein each claw appendage has an elongated T-shaped configuration comprised of a base which includes a plurality of sharpened, uniformly spaced, arcuate-shaped tines extending outwardly therefrom.
7. A weed extraction apparatus comprising:
B2
a linearly elongated handle having an anterior end opposite a posterior end, wherein said

anterior end of said handle is encapsulated within a sleeve comprised of a thin layer of rubber peripherally adhered thereto, extending a linear distance theredown, so as to allow a user to obtain a non-slip, firm grasp of said handle;

a pair of movable claw appendages;

By
a linearly elongated lever pivotally mounted to said anterior end by a bolt, said bolt also serving as a fulcrum for said pair of movable claw appendages, wherein said lever includes a plurality of finger-gripping channels formed on an upper surface thereof so as to facilitate gripping of the lever;

an operating rod of a linear, rod-like configuration which extends parallel along a linear length of the handle and connects to a movable linkage arm pivotally mounted near the posterior end of the handle, said linkage arm has a pair of generally, linearly elongated rectangularly-shaped members pivotally connected at ends in an overlapping manner to said handle, wherein said operating rod serves to actuate opening and closing of said pair of movable claw appendages;

a spring disposed on said bolt and adapted so as to connectively embrace said lever in such a manner whereby said lever is biased to a position extending away from said anterior end of said handle;

a pulley coupled via said linkage arm to said handle proximately positioned below said lever and freely rotatable about said linkage arm; and

a cable operatively engaged with said pulley and connected at one end to a side of said

Utility Patent
Ser. No. 09/742,835

B3 lever opposite said finger-gripping channels, and connected at an opposite end to a cable connecting stem, which is in turn connected to an anterior end of said operating rod.

PLEASE INCLUDE THE FOLLOWING CLEAN VERSION OF THE SPECIFICATION
CHANGES PURSUANT TO 37 CFR 1.121(B)(2)(ii)

Please replace the 4th paragraph on page 8, lines 13-18, with the following paragraph:

-- The metal operating rod 50, as shown in FIG. 1 and FIG. 6, is of a linear, rod-like configuration which extends parallel along a linear length of the handle 20, and is mounted to the movable linkage arm 60. The operating rod 50 includes an integral circular loop 53, shown in FIG. 6, formed at a posterior end 52 thereof for being attached to the linkage arms 60a and 60b through corresponding apertures. --

Please replace the 1st paragraph on page 9, lines 2-9, with the following paragraph:

-- The linkage arm 60 is comprised of a pair of generally, linearly elongated rectangularly-shaped members 60a, 60b, connected at ends in an overlapping manner via the integral circular loop 53. In a resting position, the members 60a, 60b forming the linkage arm 60 are positioned perpendicularly, as shown in FIG. 1. The operating rod 50 serves to actuate opening and closing of the pair of movable claw appendages 30 when the lever 26 is squeezed downward toward the handle 20. --

Please replace the last paragraph on page 9 with the following paragraph:

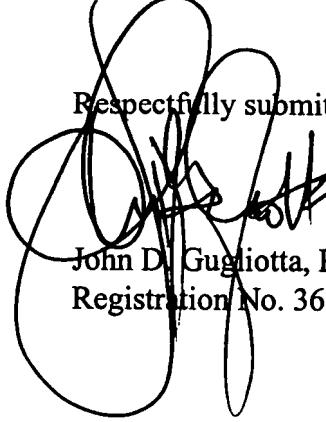
-- A spring 36, shown in FIG. 5, is disposed on bolt 35 and is adapted so as to connectively embrace the claw appendages 30 in such a manner whereby the claw appendages 30 are biased to an open position. The bolt 35 passes through the posterior end 23 of the handle 20 and through the apertures in the ends of each claw appendage 30 opposite the base 32. --

Please replace the 1st paragraph on page 10 with the following paragraph:

-- In order to actuate closing of the claw appendages 30, a user squeezes the lever 26 downward in a direction toward the handle 20, illustrated by direction arrow 72 shown in FIG. 1, thereby actuating upward vertical movement of the metal operating rod 50. As the operating rod 50 moves upward, the linkage arm 60 also moves upward in response to the integral circular loop 53 pulling the linkage arm 60 in a vertical direction. Being pivotally connected to the linkage arm 60, the claw appendages 30 are pulled in an inward direction, wherein the tines 33 thereof mesh in an interlocking fashion, as shown in FIG. 4. Such action of the present invention serves to effectively aid a user in removing weeds from flower and vegetable gardens while standing in an upright position. More specifically, upon the user squeezing the lever 26, the tines 33 of the claw appendages 30 are forced inward to a meshed interlocking closed position into the ground thus grabbing the weed and its roots. The user then simply lifts the present invention thereby effectively extracting the weed, positions the extracted weed over a refuse bin, compost pile, wheelbarrow, or other desired storage area, and releases the lever 26 thereby actuating the claw appendages 30 to their biased open resting position which in turn allows the weed to fall freely. The resultant functionality of the present invention allows the user to effectively remove weeds without bending over. --

Utility Patent
Ser. No. 09/742,835

Respectfully submitted,


John D. Gugliotta, P.E., Esq.
Registration No. 36,538

The Law Offices of John D. Gugliotta
202 Delaware Building
137 South Main Street
Akron, OH 44308
(330) 253-5678
Facsimile (330) 253-6658